IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 56 (M/S) of 2005

Sri Pranesh Kumar Sri Danesh Prasad,

R/o Sector-9-C, ST-22 Quarter No. 650,

B.S. City (Jharkhand) ...Petitioners

Versus

1. Gurukul Kangari Vishwavidyalaya Haridwar through its Vice Chancellor,
2. Registrar, Gurukul. Kangari Vishwavidyalaya, Haridwar
3. Principal/Dean, Faculty of Engg. And Technology, Gurukul Kangari Vishwavidyalaya, Haridwar ...Respondents

Sri Pankaj Miglani, counsel for the petitioner
Sri Arvind Vashistha, counsel for the respondents.

Dated 6.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus, directing the respondents to allow the petitioner to appear in 5th semesters examination of B.Tech. course and treat him as regular student of third year.

Briefly stated, the petitioner has taken admission in the first session of Ist year B.Tech. (Computer Science & Engineering) course which is a four year course in the respondent University in the session 2002-03. The petitioner appeared for the first year (I semester) examination in January 2003. Petitioner was able to clear only 1 papers out of 6

papers. Thereafter the petitioner appeared in the II semester exam in October 2003 and was able to clear 5 papers out of 10 papers. Thus petitioner was able to clear only six papers out of 16 papers in the first year examination of the course still he was given admission in the II year by the respondents.

According to respondent clause 8 “repeat is permissible when the student fails in one or more but passes 50% papers of a year and secures an aggregate of 50% in a year (repeat is granted only in theory papers.)”. The University promoted petitioner No.1 to the second year (III Semester) of the above noted course, but according to the University rules he should not have been promoted.

At the time of admission of the writ petition, following order was passed :-

“*Meanwhile, if other similar situated students are allowed by the University to appear in the exam, the petitioner shall also be allowed.*”

Thereafter on 19.5.2006 following order was passed by this Court :-

“*However, provisionally for interim measure, the petitioners are permitted to appear in all the semesters including back papers subject to the final result of the writ petition.*

Petitioners have submitted that the result of the back papers may the declared. Liberty is given to the petitioners to file a representation for declaring the result of the back semester and the respondents shall suitably consider the same within a period of three weeks by passing appropriate order.

Petitioner has submitted that the result has not been declared.

In view of the above, the respondents are directed to declare the result of the petitioner in accordance with the rules by 15th of July, 2006 so as to enable the petitioners for the next year for the rest of the semesters or in any way pass appropriate orders according to the rules.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

6.7.2006